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PS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/660,087	06/03/96	PERLMAN	S 002484.P005

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EXAMINER

WOO, S

ART UNIT

PAPER NUMBER

2743

DATE MAILED: 07/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/660,087

Applicant(s)
Perlman et al.

Examiner
Stella Woo

Group Art Unit
2743



☒ Responsive to communication(s) filed on May 18, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-43 is/are pending in the application.

Of the above, claim(s) 8-13, 17-34, and 43 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7, 14-16, and 35-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4, 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1-7, 14-16, 35-42 in Paper No. 10 is acknowledged. Claims 8-13, 17-34, 43 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to non-elected Groups II-IV.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7, 14-15, 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Dittakavi et al. (Dittakavi).

Regarding claims 1-2, Dittakavi discloses a method of responding to a disruption (call-waiting signal; col. 10, lines 5-6) comprising:

terminating communication (col. 10, lines 12-17);

establishing an on-hook condition (col. 10, line 17); and

waiting for a ring signal (col. 10, lines 18-19).

Regarding claims 14-15, 41, Dittakavi discloses a method comprising:

terminating and pausing (col. 3, lines 15-30);

after expiration of a period of time (col. 3, lines 62-63), determining and re-establishing (col. 3, lines 62-65).

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Regarding claim 3, a conventional voice answering machine can be connected to the telephone line and would answer an incoming call after a preset number of rings and output an outgoing message.

Regarding claims 4-7, Dittakavi teaches re-establishing communication (col. 10, lines 26-53).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dittakavi in view of Goldman et al. (Goldman).

Dittakavi differs from claim 16 in that it does not specify the disruption being caused by the operation of an extension telephone. However, Goldman teaches desirability of suspending data communication in response to the off-hook status of an extension telephone set (col. 5, lines 23-27) as well as the receipt of a call-waiting signal in order to allow for voice communication such that it would have been obvious to an artisan of ordinary skill to modify the method of Dittakavi by responding to an extension telephone going off-hook, as taught by Goldman.

6. Claims 35-40, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dittakavi in view of Shachar et al. (Shachar).

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Dittakavi differs from claims 35, 37, 39 in that it does not specify re-establishing based on stored data and from claims 36, 38, 40 in that it does not specify the system being configured for browsing the World Wide Web. However, Schachar teaches the well known storage of current data connection information (col. 12, lines 12-15, 39-49; col. 14, lines 41-60) when a data session (including browsing of the World Wide Web (col. 6, line 27; col. 7, line 66 - col. 8, line 5) is disrupted in favor of voice communication such that it would have been obvious to an artisan of ordinary skill to incorporate such saving of such data session information, as taught by Shachar, within the method of Dittakavi in order to resume a data session over the World Wide Web at the point when the disruption occurred.

Regarding claim 42, note ISDN connection (col. 8, lines 27-29).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ~~Cohn et al.~~, Cai et al., and ~~Rockkind et al.~~ show other methods of handling call-waiting disruptions during data communication. SW

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

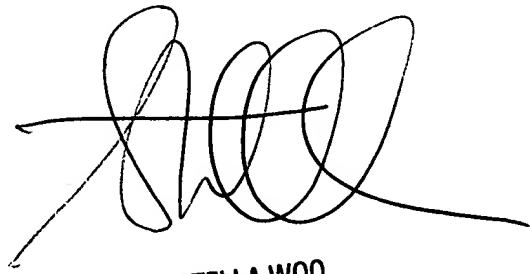
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(703) 305-9508, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Stella Woo whose telephone number is (703) 305-4395. Her supervisor,
Curt Kuntz, may be reached at (703) 305-4708.

July 25, 1998



STELLA WOO
PRIMARY EXAMINER